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09/594,070	06/14/2000	Terry L. Oehrke	1234	7636				
21396 Sprint 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100	7590 08/27/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">CHRISTENSEN, SCOTT B</td></tr></table>		EXAMINER		CHRISTENSEN, SCOTT B	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/594,070

Applicant(s)

OEHRKE, TERRY L.

Examiner

Scott Christensen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is in regards to the most recent papers filed on 6/17/2004.
2. In view of the Decision on Appeal decided on July 31, 2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 2, step 36. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

Page 5, lines 4-5: The phrase "or yet to be developed protocols" is objected to as the disclosure of an application should only include subject matter that Applicant possessed at the time of filing. The offending phrase should be removed from the specification as Applicant clearly did not have possession of protocols that were yet to be developed.

Page 5, line 22: The phrase "or yet to be developed protocols" is objected to as the disclosure of an application should only include subject matter that Applicant possessed at the time of filing. The offending phrase should be removed from the specification as Applicant clearly did not have possession of protocols that were yet to be developed.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the instant claim in step (b) includes the phrase "when the message is undeliverable to the messaging server." It is unclear what this entails exactly. The instant claim should be amended to read "when the messaging server is

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inoperable such that the message is undeliverable to the messaging server," as in claim 9.

With regard to claim 1, the instant claim in step (c) includes "re-routing the message from the messaging server from the relay server to the messaging server when operational." It is unclear what "when operational" is referring to (it can refer to the messaging server, relay server, or message). It is assumed, for the purposes of prosecution, that "when operational" reads "when the messaging server is operational, such that the message is deliverable to the messaging server."

With regard to claim 1, the instant claim in step (c) includes "re-routing the message from the messaging server from the relay server to the messaging server when operational." However, according to step (b), the message is only provided to the relay server when the message is undeliverable to the messaging server. Therefore, it is assumed that step (b) is in response to the message being provided to the relay server.

With regard to claim 2, the instant claim is unclear as step (c) appears to only occur when the messaging server is operational, meaning that the message should always be deliverable to the messaging server in step (c) if step (c) actually occurred. The instant claim should be amended to clearly demonstrate what Applicant intends to claim.

With regard to claim 9, the instant claim includes "re-route the message from the messaging server from the relay server to the messaging server when operational." It is unclear what "when operational" is referring to (it can refer to the messaging server,

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relay server, or message). It is assumed, for the purposes of prosecution, that “when operational” reads “when the messaging server is operational, such that the message is deliverable to the messaging server.”

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson et al. in US Patent number 5,974,122, hereafter referred to as “Nelson.”

With regard to claim 1, Nelson discloses a method for providing a messaging server on a computer network, the method comprising the steps of:

(a) routing a message to a messaging server (Nelson: Figure 2 (1). The fax machines (122) and (124) are interpreted as being similar to messaging servers, as they both serve received messages to other entities on the network. It is noted that applicant lacks an explicit definition for the term “messaging server” that has a limiting effect on the claim, so the broadest reasonable interpretation of a person of ordinary skill in the art of the term “messaging server” applies, which is a device or program

which serves information to other devices or programs or provides some sort of other service to other devices or programs.);

(b) providing the message to a relay server when the message is undeliverable to the messaging server (Nelson: Figure 2 (2) and Figure 1, steps (102) (104)); and

(c) re-routing the message from the relay server to the messaging server when operational (Nelson: Figure 2 (3) and Figure 1, step (108)).

With regard to claim 2, Nelson discloses

(d) invoking another messaging server when the message is undeliverable to the messaging server in step (c) (Nelson: Figure 2 (134). when the message is undeliverable, the message is forwarded to Fax Messaging Platform (134), which is interpreted as being another messaging server, as it provides the message to other devices or programs.).

With regard to claim 3, Nelson discloses

(e) routing the message to the other messaging server of step (d) (Nelson: Figure 2 (2)).

With regard to claim 4, Nelson discloses

(f) storing the message (Nelson: Figure 2 (134) and Abstract. The Fax messaging platform stores the message.); and

wherein step (e) comprises changing server information of the stored message (Figure 2. As the message is forwarded to the FAX messaging platform instead of to the destination, the server information of the stored message is different. It is noted that there is no requirement that server information stored in the message is changed, only that the server information is changed, which occurs when the message is on a different server.).

With regard to claim 5, Nelson discloses that step (c) comprises periodically attempting delivery of the message from the relay server to the messaging server (Nelson: Column 2, lines 50-63. The step of determining if the destination is available (to attempt to deliver the message) is performed a certain number of times over a period of time.).

With regard to claim 6, Nelson discloses

(d) invoking another messaging server when the message is undeliverable to the messaging server in step (c) (Nelson: Figure 2. The message is delivered to FAX messaging platform if the message is undeliverable to the recipient, the FAX messaging platform being equivalent to another server.).

With regard to claim 7, Nelson discloses

(d) sending the message to the messaging server in response to step (c) (Nelson: Column 4, lines 62-65).



With regard to claim 8, Nelson discloses

(f) sending the message to the other messaging server in response to step (e) (Nelson: Figure 2. When the system determines that the message is to be forwarded to the FAX messaging platform, the server information reflect the new destination. As discussed in the rejection of claim 4, the server information does not need to be stored in the message or anywhere else.).

***Claim Rejections - 35 USC § 102***

9. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozzie et al. in US Patent 6,859,821 B1, hereafter referred to as "Ozzie."

With regard to claim 1, Ozzie discloses a method for providing a messaging server on a computer network, the method comprising the steps of:

(a) routing a message to a messaging server (Ozzie: Figure 8 and Column 16, lines 35-54. The peer units are interpreted as being equivalent to messaging server, as the peer units serve messages to a destination.);

(b) providing the message to a relay server when the message is undeliverable to the messaging server ((Ozzie: Figure 8 and Column 16, lines 35-54. If Peer Unit 802A attempts to send a message to Peer Unit 802C, and the presence server 812 detects that Peer 802C is off-line, the message is forwarded to relay 814 instead.); and

(c) re-routing the message from the relay server to the messaging server when operational (Ozzie: Figure 8 and Column 16, lines 35-54. When peer unit 802C is back on-line, the message is forwarded to peer unit 802C.).

With regard to claim 9, Ozzie discloses a computer network for providing a messaging service, the network comprising:

a messaging server (Ozzie: Figure 8 and Column 16, lines 35-54);

a DNS server operable to route a message to the messaging server (Ozzie: Column 7, lines 6-11 and lines 46-50. All components are identified by URL, which means that a DNS server must be present in order to translate the URL into a network address. Further, DNS servers are used on the Internet, which the system of Ozzie can be performed over.); and

a relay server operably connected to the DNS server and the messaging server, the DNS server operable to provide the message to the relay server when the messaging server is inoperable such that the message is undeliverable to the messaging server (Ozzie: Figure 8 and Column 16, lines 35-54);

wherein the relay server is operable to re-route the message from the relay server to the messaging server when operational (Ozzie: Figure 8 and Column 16, lines 35-54).

With regard to claim 2, Ozzie discloses

(d) invoking another messaging server when the message is undeliverable to the messaging server in step (c) (Ozzie: Figure 8 and Column 16, lines 35-54. This step is never performed. Step (c), as best understood, requires that the step only be performed when the messaging server is operational. Therefore, if the messaging server is operational (able to receive messages), the message is deliverable. Step (d) is only performed "when the message is undeliverable to the messaging server in step (c)," which is performed when the messaging server is operational. Further, the relay server, which is equivalent to another messaging server, is invoked when the message is undeliverable to the messaging server.).

With regard to claim 3, Ozzie discloses

(e) routing the message to the other messaging server of step (d) ((Ozzie: Figure 8 and Column 16, lines 35-54. The message is routed to relay 814 when the peer unit 802C is off-line.).

With regard to claim 4, Ozzie discloses

(f) storing the message (Ozzie: Figure 8 and Column 16, lines 35-54. The message is stored in the relay until peer unit 802C is on-line.); and

wherein step (e) comprises changing server information of the stored message (Ozzie: Figure 8 and Column 16, lines 35-54. The message is transmitted to the URL associated with relay 814, so the server information is changed. It is noted that there is no requirement that the server information is stored in the message or anywhere else.).

With regard to claim 5, Ozzie discloses that step (c) comprises periodically attempting delivery of the message from the relay server to the messaging server (Ozzie: Column 16, lines 62-67 and column 17, lines 10-23. The presence server can poll the peer unit periodically. Also, the peer unit can be notified that a peer wishes to send a message from time to time. These are interpreted as being similar to attempting to deliver the message, as the presence server is used to determine if the message can be delivered.).

With regard to claim 6, Ozzie discloses

(d) invoking another messaging server when the message is undeliverable to the messaging server in step (c) (This limitation is substantially similar that presented in claim 2, and is rejected for substantially similar grounds under Ozzie.).

With regard to claim 7, Ozzie discloses

(d) sending the message to the messaging server in response to step (c) (Ozzie: Figure 8 and Column 16, lines 35-54).

With regard to claim 8, Ozzie discloses

(f) sending the message to the other messaging server in response to step (e) (Ozzie: Figure 8 and Column 16, lines 35-54. The message is sent to the relay server 814, which constitutes another messaging server.).

With regard to claims 10-16, the invention claimed is substantially similar to that claimed in claims 2-8, and are rejected for substantially similar reasons.

***Claim Rejections - 35 USC § 102***

10. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mead et al. in US Patent Application Publication US 2001/0036822, hereafter referred to as "Mead."

With regard to claim 1, Mead discloses a method for providing a messaging server on a computer network, the method comprising the steps of:

(a) routing a message to a messaging server (Mead: Figure 1. The message is routed from Home Mail Server 102 to Vehicle Server 110);

(b) providing the message to a relay server when the message is undeliverable to the messaging server (Mead: This step only needs to be performed when the message is undeliverable. There is no requirement in the claim language that the message is undeliverable. Therefore, when the message is deliverable, the message only needs to be routed to the destination.); and

(c) re-routing the message from the relay server to the messaging server when operational (Mead: This limitation is interpreted as being only performed after step (b) if step (b) occurred, as the relay server only has the message if the message was undeliverable to the messaging server, so it cannot possibly be re-routed from the relay server if the relay server does not have the message.).

With regard to claim 9, Mead discloses a computer network for providing a messaging service, the network comprising:

a messaging server (Mead: Figure 1, 110);

a DNS server operable to route a message to the messaging server (Mead: Paragraph [0015] and Figure 1. Data network 104 can be the Internet, meaning that DNS servers must be present if the message is forwarded through the Internet.); and

a relay server operably connected to the DNS server and the messaging server, the DNS server operable to provide the message to the relay server when the messaging server is inoperable such that the message is undeliverable to the messaging server (Mead: Figure 1 and paragraphs [0015]-[0016]. The relay server is interpreted as being similar to the ground server 106 in figure 1. The message is delivered to the ground server whether it is deliverable to the vehicle server or not, so the DNS server is clearly operable to provide the message to the relay server whether or not the messaging server is inoperable...);

wherein the relay server is operable to re-route the message from the relay server to the messaging server when operational (Mead: Figure 1. The relay server routes the message to the vehicle server, but can only do so when the vehicle server is able to receive messages.).

With regard to claim 2, Mead discloses

(d) invoking another messaging server when the message is undeliverable to the messaging server in step (c) (Mead: Figure 1. First, it is noted that step (c) only needs to occur when the messaging server was unavailable in step (b). Therefore, step (d) only needs to occur when the messaging server is unavailable in step (b), as step (d) only occurs after step (c). Therefore, when the servers of Mead are all available, so that the message is deliverable, the method as claimed is clearly performed.).

With regard to claim 3, Mead discloses

(e) routing the message to the other messaging server of step (d) (Mead: It is noted that step (e) does not necessarily need to be performed if the message was deliverable in step (b) (see the rejection of claim 2 for further details). Therefore, when the message is deliverable in step (b), Mead clearly performs the method as claimed.).

With regard to claim 4, Mead discloses

(f) storing the message (Mead: Figure 1 and paragraph [0016]. Mead is dealing with e-mails, so the e-mails are clearly stored at multiple points throughout the system of Mead, including, at least, the destination server to await download by the user.); and

wherein step (e) comprises changing server information of the stored message (Mead: As in the rejection of claim 3, step (e) does not need to be performed if the message is deliverable in step (b). Therefore, Mead clearly performs the method as claimed.).

With regard to claim 5, Mead discloses that step (c) comprises periodically attempting delivery of the message from the relay server to the messaging server (Mead: As in the rejection of claim 1, step (b) does not need to be performed if the message is deliverable in step (b). Therefore, Mead clearly performs the method as claimed.).

With regard to claim 6, Mead discloses

(d) invoking another messaging server when the message is undeliverable to the messaging server in step (c) (Mead: As in the rejection of claim 1, step (c) does not need to be performed if the message is deliverable in step (b), meaning that step (d) does not need to be performed, as step (c), which (d) is apparently only performed after step (c) is performed. Therefore, Mead clearly performs the method as claimed.).

With regard to claim 7, Mead discloses

(d) sending the message to the messaging server in response to step (c) (Mead: As in the rejection of claim 1, step (c) does not need to be performed if the message is deliverable in step (b). Therefore, Mead clearly performs the method as claimed.).

With regard to claim 8, Mead discloses



(f) sending the message to the other messaging server in response to step (e) (Mead: As in the rejection of claim 3, step (e) does not need to be performed if the message is deliverable in step (b). Therefore, Mead clearly performs the method as claimed.).

With regard to claim 10, Mead discloses another messaging server, the other messaging server invoked by the relay server when the messaging server is inoperable such that the message is undeliverable to the messaging server in response to the re-routing (Mead: Figure 1. The ground server (106) is always able (operable) to transmit the message to another messaging server (which is similar to invoking another messaging server, as a server is "invoked" when it has a communication transmitted to it.). The other messaging server never needs to be invoked as the claim is presented, rather, the messaging server only needs to be able to be invoked.).

With regard to claim 11, Mead discloses that the relay server is operable to route the message to the other messaging server (Mead: Figure 1. By utilizing network 104, which according to paragraph [0015] may include the Internet, the relay server is able (operable) to route the message to any other messaging server connected to network 104 (which may be the Internet).).

With regard to claim 12, Mead discloses a storage device operably connected to the relay server and the other messaging server, the message being stored in the

storage device (Mead: Figure 1 and paragraph [0015]. As Mead is dealing with e-mails, there is at least some storage in each of the servers to store the e-mail, at least temporarily.); and

wherein the relay server is operable to change server information of the stored message to route the message to the other messaging server (Mead: Figure 1. Server information is changed whenever a message is sent to a different destination server, as the message must be addressed to the destination. There is no requirement of what changing the server information entails.).

With regard to claim 13, Mead discloses that the relay server is operable to periodically attempt delivery of the message from the relay server to the messaging server (Mead: Paragraph [0031]).

With regard to claim 14, Mead discloses that the relay server is operable to invoke a process to create another messaging server when the messaging server is inoperable such that the message is undeliverable to the messaging server in response to the routing (Mead: Figure 1 and paragraphs [0016] and [0024]-[0026]. The ground server is able to send the message to any other server connected to data network 104.).

With regard to claim 15, Mead discloses that the relay server is operable to send the message to the messaging server in response to the re-routing (Mead: Figure 1.

The ground (relay) server is able to send the message to the vehicle (messaging) server at any time, whether in response to the re-routing or not.).

With regard to claim 16, Mead discloses that the relay server is operable to send the message to the other messaging server in response to routing the message to the other messaging server (Mead: Figure 1. The ground server is able to send the message to any server connected to network 104 at any time.).

With regard to claim 17, Mead discloses that the messaging server and relay server are within a first data center.

With regard to claim 18, Mead discloses that the messaging server and other messaging server are in first and second data centers, the first data center remote from the second data center.

With regard to claim 19, Mead discloses that the relay server is operable to invoke a process to create another messaging server with a same name and IP address.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nelson in view of "DNS (domain name system)" posted on the Internet February 29,

2000 on whatis.com, and downloaded from

<http://web.archive.org/web/20000307002913/whatis.com/dns.htm>, hereafter referred to

as "whatis.com."

With respect to claim 9, the instant claim is substantially similar to claim 1 (see above for claim 1 rejected under Nelson) and is rejected for substantially same reasons, except Nelson does not disclose a DNS server operable to route a message to the messaging server.

whatis.com discloses that DNS is the way that the Internet domain names are located and translated into IP addresses. Therefore, any implementation of the invention in the modern Internet would likely have a DNS server operable to route a message to the messaging server.

It would have been obvious to have a DNS server operable to route a message to the messaging server.

The suggestion/motivation for doing so would have been that Nelson discloses that the system and method disclosed by Nelson may be implemented using data communications networks such as the Internet (Nelson: Column 10, lines 16-23). In order to utilize domain names on the Internet, a DNS server is needed. Domain names

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allow a user to use an easy-to-remember handle rather than the series of numbers that represents an IP address (whatism.com: Paragraph 1).

With regard to claims 10-16, the features claimed are substantially similar to that claimed in claims 2-8, and are rejected for substantially similar reasons.

With regard to claim 17, Nelson as modified by whatism.com teaches the invention as substantially claimed except that the messaging server and relay server are within a first data center.

However, having the messaging server and relay server within a first data center is not a distinction that changes the functionality of the claimed system.

It would have been obvious to have the messaging server and relay server within a first data center.

The suggestion/motivation for doing so would have been that depending on a company's needs, having the servers in the same data center may be a desirable feature for more efficient communications (as the communication path between the messaging server and the relay server would be relatively short), easier maintenance (as the messaging server and relay server would be in the same location).

With regard to claim 18, Nelson as modified by whatism.com teaches the invention as substantially claimed except that the messaging server and other messaging server

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are in first and second data centers, the first data center remote from the second data center.

However, having the messaging server and relay server within a first data center is not a distinction that changes the functionality of the claimed system.

It would have been obvious to have the messaging server and relay server within a first data center.

The suggestion/motivation for doing so would have been that depending on a company's needs, having the servers in the different data centers remote from each other may be desirable if the company is a smaller company that is contracting the services provided by the first messaging server and the other messaging server (which is part of the FAX messaging platform of Nelson), therefore allowing the other messaging server to perform functions for multiple data centers.

With regard to claim 19, Nelson as modified by whatis.com teaches the invention as substantially claimed except that the relay server is operable to invoke a process to create another messaging server with a same name and IP address.

A person of ordinary skill in the art would have known how to have the relay server operable to invoke a process to create another messaging server with a same name and IP address in the system of Nelson.

It would have been obvious to have the relay server operable to invoke a process to create another messaging server with a same name and IP address in the system of Nelson.

The suggestion/motivation for doing so would have been that the portion of the FAX messaging platform of Nelson that is utilized to forward the message when the recipient is able to receive the message could be divided to logical portions, each with a section of memory for storing the message and the proper forwarding information. Each of the logical messaging servers would have the same name and IP address as the FAX messaging platform, which is, at least in part, interpreted as being a messaging server.

***Claim Rejections - 35 USC § 103***

13. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozzie.

With regard to claim 17, Ozzie discloses the invention as substantially claimed (see above for claim 9 rejected under Ozzie) except that the messaging server and relay server are within a first data center.

However, having the messaging server and relay server within a first data center is not a distinction that changes the functionality of the claimed system.

It would have been obvious to have the messaging server and relay server within a first data center.

The suggestion/motivation for doing so would have been that depending on a company's needs, having the servers in the same data center may be a desirable feature for more efficient communications (as the communication path between the messaging server and the relay server would be relatively short), easier maintenance (as the messaging server and relay server would be in the same location).

With regard to claim 18, Ozzie discloses the invention as substantially claimed (see above for claim 10 rejected under Ozzie) except that the messaging server and other messaging server are in first and second data centers, the first data center remote from the second data center.

However, having the messaging server and relay server within a first data center is not a distinction that changes the functionality of the claimed system.

It would have been obvious to have the messaging server and relay server within a first data center.



The suggestion/motivation for doing so would have been that depending on a company's needs, having the servers in the different data centers remote from each other may be desirable if the company is a smaller company that is contracting the services provided by the first messaging server and the other messaging server (which is part of the FAX messaging platform of Nelson), therefore allowing the other messaging server to perform functions for multiple data centers.

With regard to claim 19, Ozzie discloses the invention as substantially claimed (see above for claim 9 rejected under Ozzie) except that the relay server is operable to invoke a process to create another messaging server with a same name and IP address.

A person of ordinary skill in the art would have known how to have the relay server operable to invoke a process to create another messaging server with a same name and IP address in the system of Nelson.

It would have been obvious to have the relay server operable to invoke a process to create another messaging server with a same name and IP address in the system of Nelson.

The suggestion/motivation for doing so would have been that the portion of the relay server that is utilized to forward the message when the recipient is able to receive the message could be divided to logical portions, each with a section of memory for storing the message and the proper forwarding information. Each of the logical

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messaging servers would have the same name and IP address as the relay server,  
which is, at least in part, interpreted as being a messaging server.

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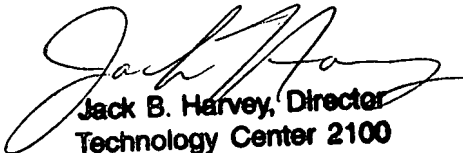
**Conclusion**

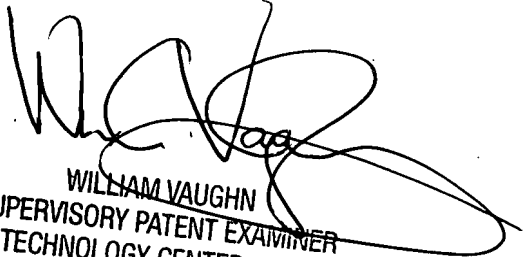
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571) 270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vaughn William can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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